

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TREMAINE L. BAILEM,

Petitioner,

v.

Case No: 2:16-cv-18-FtM-38MRM

STATE OF FLORIDA and
SECRETARY, DOC,

Respondents.

OPINION AND ORDER¹

This matter comes before the Court on Petitioner Tremaine Bailem's Application for Certificate of Appealability (COA) ([Doc. #51](#)) filed on July 27, 2017. On June 26, 2017, the Court denied Bailem's Petition for habeas corpus relief under [28 U.S.C. § 2254](#), and found that Bailem was not entitled to a COA. As the Court noted in its Order, "[a] [COA] may issue...only if the applicant has made a substantial showing of the denial of a constitutional right." [28 U.S.C. § 2253\(c\)\(2\)](#). To make such a showing, Petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Tennard v. Dretke*, [542 U.S. 274, 282 \(2004\)](#) or,

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

that “the issues presented were adequate to deserve encouragement to proceed further,” [Miller-El v. Cockrell, 537 U.S. 322, 335-36 \(2003\)](#)(citations omitted).

In its previous Order, the Court found that Bailem failed to make the requisite showing and denied his COA. Bailem does not present any new evidence that would change the Court’s earlier findings. Therefore, Bailem’s Motion for a COA is denied.

Accordingly, it is now

ORDERED:

Appellant Tremaine Bailem's Application for Certificate of Appealability ([Doc. #51](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 9th day of August, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Tremaine L. Bailem
All Parties of Record
SA: FtMP-2